



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	120A	Dispute Resolution	12/9/2008
Subchapter:	4	Administrative Hearings	
Section	3	Transmittal to OAL (N.J.A.C. 10:120A-4.3)	

§10:120A-4.3 Transmittal to OAL

(a) The Administrative Hearings Unit shall transmit a matter that constitutes a contested case, pursuant to N.J.A.C. 1:1-1.1, to the Office of Administrative Law, including:

1. A request by a parent of a child under the supervision of the Division, a child under the supervision of the Division, or a person with physical custody acting on behalf of that child, or a sibling of that child, or a relative as defined to dispute a denial, reduction, suspension or termination regarding a Division service issue, unless the denial, reduction, suspension, or termination is an across the board action resulting from a reduction in Federal or State funding; or

2. A request by a perpetrator of child abuse or neglect to appeal a substantiated finding of child abuse or neglect, when there are material disputed facts.

(b) The Commissioner or designee, at his or her discretion and with the concurrence of the Director of the Office of Administrative Law, may transmit an uncontested case for an administrative hearing before an administrative law judge in accordance with N.J.A.C. 1:1-2.1.

(c) The Administrative Hearings Unit shall not transmit the following requests to the Office of Administrative Law:

1. Requests to appeal the terms of a court order which specifically addresses the disputed Division action;

2. Requests to dispute the Division's use of a specific service provider in the provision of out-of-home placement when the Division has offered an appropriate alternative to meet the case goal or a change in the out-of-home placement of a child without constituting a reduction of services;

3. Requests to dispute a finding of substantiated child abuse or neglect or other Division action being processed in accordance with N.J.A.C. 10:120A-4.2; or

4. Requests to dispute any matter referenced in N.J.A.C. 10:120A-3.1.